

LABOUR AND EMPLOYMENT DEPARTMENT

The 9th September, 1973

No. 8411-7 Lab-73/31709.—The Governor of Haryana is pleased to make the following appointment and posting :—

Serial No.	Name of Officer	Appointed and as posted	With effect from	Remarks
1	Miss Usha Pruthi	Assistant Employment Officer (Vocational Guidance), District Employment Exchange, Kurukshetra, on an <i>ad hoc</i> basis	11-6-1973 (F.N.)	Against a newly created post.

The 18th September, 1973

No. 9206-7Lab-73/33073.—The Governor of Haryana is pleased to accept the resignation of Shri Hawa Singh, Assistant Employment Officer, District Employment Exchange, Jind, working on an *ad hoc* basis with effect from 27th August, 1973 (A.N.).

S. N. BHANOT,
Commissioner and Secretary.

LABOUR DEPARTMENT

The 21st September, 1973

No. 9506-4Lab-73/32813.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak, in respect of the dispute between the workmen and the management of M/s M. L. Industries, Bahadurgarh :—

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, LABOUR COURT,
HARYANA, ROHTAK

Reference No. 151 of 1972

between

SHRI ZILE SINGH AND THE MANAGEMENT OF M/S M. L. INDUSTRIES, BAHADURGARH
Present.—

Shri Rajinder Singh, for the workman.

Shri Santa Singh and Shri Lajpat Rai, for the management.

AWARD

Shri Zile Singh concerned workman was in the service of M/s M. L. Industries, Bahadurgarh. His services were terminated by the management. He raised a demand for reinstatement but without success. This gave rise to an industrial dispute.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana in exercise of the powers conferred by clause (c) of sub-section (i) of section 10 of the Industrial Disputes Act, 1947, referred the above dispute for adjudication to this court,—*vide* order No. ID/RK/188-A-72/4731-35, dated 18th April, 1972, with the following reference :—

“Whether the termination of services of Shri Zile Singh was justified and in order ? If not, to what relief is he entitled ?”

Usual notices were given to the parties and they put in their respective written statements. The management pleaded that there was no relationship of employer and employee between the parties. The following two issues arose for determination in the case :—

1. Whether the applicant was in the service of the respondent factory ?
2. If issue No. 1 is proved, whether the termination of services of Shri Zile Singh was justified and in order ? If not, to what relief is he entitled ?

The workman concerned has not led any evidence. He has not even come forward to make his own statement. His authorised representative Shri Rajinder Singh, President, Bahadurgarh Potteries & General Labour Union, Bahadurgarh who had given the demand notice leading to the present reference has made a statement that he has written several letters to the workman but since there is no response from him, he is not in a position to lead any evidence and proceed with the present reference to press the claim of the workman.

In view of the above, no further proceedings are called for in the case. It was for Shri Zile Singh workman concerned to establish that he was a workman under the respondent and since he has failed to discharge this burden, the presumption is that there was no industrial dispute which could validly be referred for adjudication. Issue No. 1 is accordingly decided against the workman. Issue No. 2 has become redundant.

The workman concerned is thus not entitled to any relief by way of reinstatement or payment of back wages. The award is made accordingly. There shall, however, be no order as to costs.

O. P. SHARMA,

Dated 13th September, 1973.

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2262, dated 14th September, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O.P. SHARMA,

Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 9507-4Lab-73/32815.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Haryana, Rohtak in respect of the dispute between the workman and the management of M/s Soma Engineering Works, Bahadurgarh :—

BEFORE SHRI O. P. SHARMA PRESIDING OFFICER, LABOUR COURT, HARYANA, ROHTAK

Reference No. 181 of 1972

between

SHRI PARKASH SINGH AND THE MANAGEMENT OF M/S SOMA
ENGINEERING WORKS, BAHADURGARH

Present—

Shri Rajinder Singh, for the workman.

Nemo for the management.

AWARD

Shri Parkash Singh workman concerned was in the service of M/s. Soma Engineering Works, Bahadurgarh. His services were terminated by the management. He raised a demand for reinstatement but without any satisfactory response from the management. He then gave the demand notice dated 3rd March, 1972 whereupon conciliation proceedings were initiated which ended in failure.

On receipt of the failure report from the Conciliation Officer the Governor of Haryana, in exercise of the powers conferred by clause (c) of sub-section (i) of Section 10 of the Industrial Disputes Act, 1947 referred the above dispute for adjudication to this court,—*vide* order No. ID/RK/194-A-72/21550-554, dated 16th June, 1972, with the following term of reference :—

“Whether the termination of services of Shri Parkash Singh was justified and in order ? If not, to what relief is he entitled ?”

Usual notices were given to the parties. The management has not appeared in spite of service. The workman concerned was, therefore, directed to lead his *ex-parte* evidence in support of his claim giving rise to the present reference. No evidence has, however, been led by him. He has not even come forward to press his claim. His authorised representative Shri Rajinder Singh, President, Bahadurgarh Potteries and General Labour Union, Bahadurgarh who had given the demand notice leading to the reference has stated that the workman has gone back to his native place in Nepal and in spite of several letters addressed to him there is no response and in the circumstances, he is not in a position to lead any evidence to support the claim of the workman.

In the circumstances, the presumption is irresistible that the workman concerned has no dispute with the management and as such he is not entitled to any relief. The award is made accordingly. There shall be no order as to costs.

Dated 13th September, 1973.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

No. 2261, dated 14th September, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,
Presiding Officer,
Labour Court, Haryana,
Rohtak.

The 26th September, 1973

No. 9626-4Lab-73/33077.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workman and the management of M/s Bags and Carton, Daultabad Road, Gurgaon :—

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 12 of 1973

between

SHRI DHAN KANWAR WORKMAN AND THE MANAGEMENT OF M/S BAGS AND
CARTON, DAULTABAD ROAD, GURGAON

Present :

Shri C. B. Kaushik, for the workman.

Nemo, for the management.

AWARD

Shri Dhan Kanwar, concerne workman was in the service of M/s Bags and Carton, Daultabad Road, Gurgaon. His services were terminated by the management with effect from 28th September, 1972 allegedly without any notice or charge-sheet. He raised a demand for reinstatement but without any success. He then gave the demand notice dated 3rd October, 1972 whereupon conciliation proceedings were initiated but there was no satisfactory response from the Government.

On receipt of the failure report from the Conciliation Officer, the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the above dispute for adjudication to this Court,—*vide* order No. 1D/CG/131-A-72/602, dated 5th January, 1973 with the following terms of reference :—

Whether the termination of services of Shri Dhan Kanwar was justified and in order?
If not, to what relief is he entitled?

Usual notices were given to the parties. The workman concerned filed the statement of claim contending that as a matter of fact the management was mis-using electricity and he had brought this matter to the notice of the authorities concerned whereupon the management got displeased with him and refused him work when he reported for duty on 28th September, 1972 and there after without any justification. The Management did not appear to contest the claim of the workman inspite of service and no written statement was filed in the case. The evidence of the workman has been recorded *ex parte* against the management. He has made his own statement on oath and filed copy of the conciliation report Exhibit W-1 sent to him through letter Exhibit W-2. He has further stated that he has not been gainfully employed anywhere inspite of his efforts during the period of his forced unemployment. I have heard the learned representative of the workman and given a careful consideration to the facts on record. There is apparently no reason to disbelieve the statement on oath of the workman. The above plea had been taken by him before the Conciliation Officer also. From his statement it further appears that earlier also the management had removed his name from the rolls but he was re-employed on 7th January, 1972 and he worked till 27th September, 1972. He was refused work on 28th September, 1972 and thereafter manifestly because he had brought it to the notice of the authority concerned that the management was misusing the electric supply contrary to rules. The management got displeased with him and refused him work without any justification and without giving any notice or charge sheet. The claim of the workman is thus well founded and I see no reason to doubt its genuineness especially when the management had not cared to come forward and refute his allegation inspite of due service. He has not been gainfully employed anywhere during the intervening period of his forced un-employment.

In view of the above the issue involved is decided in favour of the workman and he is entitled to reinstatement with full back wages. The award is made accordingly.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated the 11th September, 1973.

Endst. No. 1045, dated the 12th September, 1973.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour & Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 11th September, 1973.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9619-4 Lab-73/33079.—In pursuance of the provisions of Section 17 of the Industrial Disputes Act 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad, in respect of the dispute between the workmen and management of M/s N. R. Industries, Bahadurgarh.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER INDUSTRIAL TRIBUNAL, HARYANA,
FARIDABAD

Application No. 17 of 1973 under section 33-A of the Industrial Disputes Act, 1947

between

SHRI MARDAN SINGH, WORKMAN AND THE MANAGEMENT OF M/S N. R. INDUSTRIES,
BAHADURGARH

Present:

Shri Rajinder Singh Dahyia, for the workman.

Shri M. M. Chadha, for the management.

AWARD

Shri Mardan Singh a workman of M/S N. R. Industries, Bahadurgarh, brought this complaint under section 33-A of the Industrial Disputes Act, 1947 alleging contravention of provision of section 33 by the management during the pendency of some disputes. Notice of the complaint was given to the management

but no written statement has yet been filed. It is, however not necessary to proceed with the complaint because the complainant has raised a regular dispute and the matter is already pending before the Conciliation Officer in view whereof he has withdrawn the present complaint as stated by his authorised representative Shri Rajinder Singh Dahyia.

The complaint shall, in the result, stand dismissed as withdrawn. No order as to costs.

The 11th September, 1973.

O.P. SHARMA,

Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.

No. 1051, dated 12th September, 1973

Forwarded (four copies) to the Secretary to Government Haryana, Labour and Employment Departments Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

The 11th September, 1973.

O. P. SHARMA,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9627-4-Lab-73/33081.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Haryana, Faridabad in respect of the dispute between the workmen and the management of M/s. Mercury Rubber Mills, Rasoi, Sonapat.

BEFORE SHRI O.P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, HARYANA, FARIDABAD

Reference No. 97 of 1973
between

THE WORKMEN AND THE MANAGEMENT OF M/S. MERCURY RUBBER MILLS, RASOI (SONPEAT)

Present.—

Shri M. S. Rathi, for the workman.

Shri Madan Lal Gopal, for the management.

AWARD

The following disputes between the management of M/s Mercury Rubber Mills, Rasoi (Sonapat) and its workmen were referred for adjudication to this Tribunal by order No. ID/RK/39-D-72/196724, dated 12th June, 1973 of the Governor of Haryana, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

1. Whether the management were justified in obtaining the signatures of the workmen on fresh appointment letters without disclosing its contents thereby making them either temporary or on probation? If not, to what relief are they entitled to?
2. Whether the workmen should be paid bonus for the year 1971 at the rate higher than the bonus already paid by the management two months wages for the said year? If so, with details?

Usual notices were given to the parties. The management has pleaded settlement and payment of the amount of bonus due. This is not denied on behalf of the workmen concerned and has stated by their authorised representative Shri M. S. Rathi, an amicable settlement has been arrived at between the parties and there is now no dispute left.

In view of the above, no further proceedings are called for in the case and a no dispute award is given as desired by the parties. There shall be no order as to costs.

O.P. SHARMA,

Dated 11th September, 1973.

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1052, dated 12th September, 1973.

Forwarded (four copies) to the Secretary to Government of Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated 11th September, 1973.

Presiding Officer,
Industrial Tribunal Haryana,
Faridabad.